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Dated: June 10, 1997.

Darrell Barnes,

District Manager.

[FR Doc. 97-16155 Filed 6-19-97; 8:45 am]

BILLING CODE 4310-22-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-050-1220-00; GP7-0208]

Amendment to Prohibited Acts in Deschutes National Wild and Scenic River Area

AGENCY: Bureau of Land Management, Interior, Prineville District.

ACTION: Notice.

SUPPLEMENTARY INFORMATION: The following amendments are made to the notice dated April 8, 1994 published in the **Federal Register**, Vol. 59, No. 73; Friday, April 15, 1994.

The following definition is added:

Camping means the erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home, or trailer or mooring of a vessel for the apparent purpose of overnight occupancy.

Part 1 (Camping) is amended by the following:

Subpart (a) is replaced with the following:

Camping longer than 4 consecutive nights at a boat-in only camp site or vehicle camping for a total period of not more than 14 days during any 28 day period. The 28 day period will begin the first full day the site is occupied. The 14 day limit may be reached either through a number of separate visits of through a period of continuous occupation. Once the 14 day limit is reached in any camping area, person(s) must move a distance of not less than 50 miles away from the campsite if they intend to continue camping on public lands.

Subpart (d) is replaced with the following:

Camping on river islands, or any area posted as closed to that use or Camping

outside designated campsites between Deschutes Club locked gate and Maupine, or Camping outside of a designated campsite to the east (road side) of the River between Maupin and Sherars Falls, or Vehicle camping in any River segment outside of designated campsites.

Subpart (l) is added as follows:

Exceeding the maximum allowable number of persons and/or vehicles allowed for a designated campsite.

Subpart (m) is added as follows:

Reserving, holding, or transferring campsites for the benefit of another party.

Subpart (n) is added as follows:

Moving any table, stove, barrier, litter receptacle or other campground equipment.

Part 8 (Boating) is amended by the following:

Subpart (j) is added as follows:

Failure to complete boater registration when requested to do so by agency personnel.

Subpart (k) is added as follows:

Failure to pay required boater use fee.

Subpart (l) is added as follows:

Failure to register for boat-in ares, camping sites or River sections/zones as required.

Subpart (m) is added as follows:

Failure to camp in assigned boat-in areas, camping sites or River section/zone as required.

Subpart (n) is added as follows:

Launching or taking out watercraft in an area designated as closed to this activity.

Subpart (o) is added as follows:

Failure to possess one type III or IV Personal Floatation Device (PFD) per person in a vessel.

Part 9 (alcoholic beverages and controlled substances) is added by the following:

For the purposes of these regulations, the term "highway" shall mean: every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures upon public lands, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

The following are prohibited:

(a) Operating a vessel, or knowingly allowing another person to operate a vessel, in a reckless or negligent manner, or in a manner so as to endanger or likely to endanger a person or property.

(b) Operating a vessel when under the influence of alcohol or controlled substance to a degree that may endanger oneself or another person or damage property or public land resources; or the alcohol concentration in the operator's blood or breath is 0.10 grams or more of

alcohol per 100 milliliters of blood or 0.10 grams or more of alcohol per 210 liters of breath. Provided, however, that if State Law that applies to operating a vessel while under the influence of alcohol establishes more restrictive limits of alcohol concentration in the operator's blood or breath, those limits supersede the limits specified in this paragraph.

(c) Selling, giving, or otherwise making available any alcoholic liquor to any person who is visibly intoxicated.

(d) No one other than the person's parent shall sell, give, or otherwise make available any alcoholic liquor to a person under the age of 21 years. A person violates this regulation who sells, gives, or otherwise makes available alcoholic liquor to a person with the knowledge that the person to whom the liquor is made available will violate this regulation.

(e) No person under the age of 21 years shall attempt to purchase, purchase or acquire alcoholic liquor. Except when such minor is in a private residence accompanied by the parent or guardian of the minor and with such parent's or guardian's consent, no person under the age of 21 years shall have personal possession of alcoholic liquor.

For the purposes of this regulation, personal possession of alcoholic liquor includes the acceptance or consumption of a container of such liquor, or any portion thereof or a drink of such liquor. However, this section does not prohibit the acceptance or consumption by any person of sacramental wine as part of a religious rite or service.

(f) Drinks any alcoholic liquor in a motor vehicle when the vehicle is upon a highway.

(g) Possesses on one's person, while in a vehicle upon a highway, any bottle, can, or other receptacle containing any alcoholic liquor, which has been opened, or a seal broken, or the contents of which have been partially removed.

(h) Keeps in a motor vehicle when the vehicle is upon any highway, any bottle, can, or other receptacle containing any alcoholic liquor, which has been opened, or a seal broken, or the contents of which have been partially removed. The following apply to this paragraph:

1. This paragraph applies only to the registered owner of any motor vehicle or, if the registered owner is not then present in the vehicle, to the driver of the vehicle.

2. This paragraph does not apply if the bottle, can, or other receptacle is kept in the trunk of the vehicle, or kept in some other area of the vehicle not normally occupied by the driver or

passengers if the vehicle is not equipped with a trunk.

3. For purposes of this paragraph, a utility compartment or glove compartment is considered within the area occupied by the driver and passengers.

4. This paragraph does not apply to the living quarters of a camper or a motor home.

The offense described in regulations (g) and (h) above does not apply to a motor vehicle operated by a publicly owned transit system or a motor vehicle operated by a common carrier and used primarily to carry passengers for hire.

(I) Operating or being in actual physical control of a motor vehicle is prohibited while:

1. Under the influence of alcohol, or a drug, or drugs, or any combination thereof, to a degree that renders the operator incapable of safe operation; or

2. The alcohol concentration in the operator's blood or breath is 0.10 grams or more of alcohol per 100 milliliters of blood or 0.10 grams or more of alcohol per 210 liters of breath. Provided, however, that if State law that applies to operating a motor vehicle while under the influence of alcohol establishes more restrictive limits of alcohol concentration in the operator's blood or breath, those limits supersede the limits specified in this paragraph.

(j) The provisions of paragraph (I) above also apply to an operator who is or has been legally entitled to use alcohol or another drug.

(k) Tests.

1. At the request or direction of an authorized person who has probable cause to believe that an operator of a motor vehicle upon public lands has violated a provision of paragraph (I) of this section, the operator shall submit to one or more tests of the blood, breath, saliva, or urine for the purpose of determining blood alcohol and drug content.

2. Refusal by an operator to submit to at test is prohibited and proof of refusal may be admissible in any related judicial proceeding.

3. Any test or tests for the presence of alcohol and drugs shall be determined by and administered at the direction of an authorized person.

4. Any test shall be conducted by using accepted scientific methods and equipment of proven accuracy and reliability operated by personnel certified in its use.

(l) Presumptive levels:

1. The results of chemical or other quantitative tests are intended to supplement the elements of probable cause used as the basis for the arrest of an operator charged with a violation of

paragraph (i1) of this section. If the alcohol concentration in the operator's blood or breath at the time of testing is less than alcohol concentrations specified in paragraph (i2) of this section, this fact does not give rise to any presumption that the operator is or is not under the influence of alcohol.

2. The provisions of paragraph (11) of this section are not intended to limit the introduction of any other competent evidence bearing upon the question of whether the operator, at the time of the alleged violation, was under the influence of alcohol, or a drug, or drugs, or any combination thereof.

(m) Within the Sandy Beach Recreation Site, consuming alcoholic beverages or possessing any bottle, can or other receptacle containing any liquor, which has been opened, or a seal broken, or the contents of which have been partially removed. This paragraph does not apply if the bottle, can or other receptacle has been stored out of view and is not readily accessible.

Dated: June 12, 1997.

James G. Kenna,

Acting District Manager.

[FR Doc. 97-16151 Filed 6-19-97; 8:45 am]

BILLING CODE 4310-33-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZA-28350]

Notice of Intent To Prepare a Plan Amendment to the Phoenix and Safford District Resource Management Plans Combined With an Environmental Impact Statement Analyzing the Impacts of the Proposed Exchange of Approximately 10,336 Acres of Public Land Near Kearny, Arizona and 640 Acres of Federal Mineral Estate Near Casa Grande, Arizona for Private Lands of Equal Appraised Value in Central and Western Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: The Bureau of Land Management (BLM) will be directing the preparation of a combined plan amendment and an environmental impact statement (EIS) for the exchange of public lands near Kearny and Casa Grande, Arizona for private lands of equal value (approximately 8,994 acres) in central and western Arizona. The plan amendment/EIS will consider amending the Phoenix and Safford District Resource Management Plans

under BLM planning regulations (43 CFR part 1600) for the purpose of exchanging public lands pursuant to Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1617) as amended. The exchange has been proposed by ASARCO Incorporated to support mining operations and mineral development.

1. Description of the proposed planning action: In response to an exchange proposal, the plan amendment will consider amending the Phoenix and Safford District Resource Management Plans, specifically considering whether to change the land tenure decision for 10,336 acres from retention and management as public lands to disposal by exchange.

2. Identification of the geographic areas involved: The plan amendment involves 10,336 acres near Kearny, Arizona, most situated within the White Canyon Resource Conservation Area currently managed by the BLM Phoenix Field Office. The proposed land exchange involves these same acres plus 640 acres near Casa Grande for a total of 10,976 acres.

3. Alternatives to be analyzed: At a minimum, the no action alternative and an alternative that considers the proposed action will be analyzed.

4. General types of issues anticipated: The planning area and proposed land exchange involves issues related to the natural and cultural values and uses of the public lands in question. Issues to be fully analyzed involve impacts on water resources, native vegetation, wilderness, riparian areas, wildlife, recreation, socioeconomics, public access, grazing allotments, county tax base, minerals, and cultural resources.

5. Disciplines to be represented and used to prepare the environmental impact statement: Hydrology, biology, botany, wildlife, recreation, realty, range, socioeconomics, geology, and archaeology.

6. The kind and extent of public participation: Public open houses scoping meetings will be held at: Kearny Open House, July 21, 1997 4 to 8 p.m., Constitution Hall (Senior Citizen Center), 912 East Tilbury Drive, Kearny, Arizona (520-363-5547); Mesa Open House, July 22, 1997 4 to 8 p.m., Mesa Community Center, Rendezvous Center, 201 North Center Street, Mesa, Arizona (602-644-2178); Kingman Open House, July 23, 1997 4 to 8 p.m., Council Chambers, City of Kingman Council Building, 310 North 4th Street, Kingman, Arizona (520-753-8102).

DATES: Public comments may be submitted during the public meeting or in writing to the address below. Public